

from their taxable income. It benefits 3.6 million taxpayers nationwide and 26,000 in Nevada.

The teacher classroom expenses provision gives teachers above-the-line deduction of as much as \$250. Mr. President, 8,100 people are seeking to benefit from the repeal of the estate tax, which is millions and millions of dollars. So why should we be concerned about some schoolteacher for \$250? Because \$250 is what teachers pay out of their own pockets to get supplies for the classroom that school districts don't pay for. They can deduct as much as \$250 for personal funds spent by them to buy classroom supplies. This benefits 3.3 million teachers nationwide and about 22,000 teachers in Nevada.

There are many other items that are important in these extenders.

America needs a new direction, one that puts the interests of the hard-working families ahead of special interests. How can we be working on the Oman Free Trade Agreement and let this go? I don't understand this. The priorities are upside down. We need a new direction, and we are not getting any direction from the administration or certainly from the Republican-dominated Congress.

The PRESIDENT pro tempore. The Senator from Illinois is recognized.

#### MORNING BUSINESS

#### DO-NOTHING CONGRESS

Mr. DURBIN. Mr. President, I thank my colleague and friend from Nevada, Senator REID, for that statement because here on the closing day of this week's session, as we wrap up the second week of 4 weeks, it really is a time to reflect on what little time is left in this session, and when Senator REID refers repeatedly to a do-nothing Congress, it is understandable. Two weeks down and 2 weeks to go before the election and no budget.

This so-called fiscally conservative leadership in the Senate cannot produce a budget on how we are going to spend our money this year. They cannot produce a budget and, if I am not mistaken, I say to the Democratic leader, I don't believe a single appropriations bill has been signed into law at this point.

Mr. REID. That is right.

Mr. DURBIN. Here we are days away from the end of this fiscal year, and we have recorded in the last 6 years, under the Bush administration and the Republican-led Congress, the worst deficits in the history of the United States. We have an administration which inherited a surplus from the Clinton administration—several years of surplus and paying down the debt of America and strengthening Social Security—and they squandered it, wasted it. They turned their backs on it and allowed us to sink deeper and deeper into debt—a debt we ultimately will have to pay, a debt which, sadly, is being financed by foreign countries such as Japan, China,

Korea, and the OPEC nations. They are the mortgage holders of America's mortgage.

Who will pay off this mortgage? The young people of America, our children and grandchildren—as this Congress heaps debt upon debt, as this President has the dubious distinction of being the first President in the history of the United States of America to call for a tax cut during a war. The reason no other President has done it is because it doesn't make sense. You have the ordinary expenses of Government that are increased because of the war you must fight, and this President then says: Let's cut taxes while we are at it, digging a deeper hole for America's economy and America's future.

So there is no budget, not one appropriations bill signed by the President, no increase in the minimum wage—9 years now. For 9 years, this Republican President and Congress have refused to increase the basic wage for some of the hardest working people in America. It is \$5.15 an hour. That is what it has been. It has been 9 years since we have increased it.

Think about each of our own personal experiences, how the expenses of life have gone up in that period of time, and then put yourself in the shoes of a single mother I met in Rockford, who went through a brutal divorce. She luckily has custody of the children away from a father who mistreated them badly. She has them in her tiny house, and she has a minimum wage job. She has three kids, this mom, and she makes minimum wage. How does she make it? She goes to the local church, where they have a food pantry. She tries to get help from charities in the area. She looks for used clothing. She is trying to keep her family together. What kind of helping hand has this Congress given to her? None. For 9 years, we have said to her: Sorry, next year's salary will be the same as last year's.

I hope the cost of utilities doesn't go up or the cost of food or the cost of rent. Yet we know they continue to go up. So for 9 years, this Congress has failed to increase the minimum wage, and they are about to wrap up another session with that dubious distinction.

There is a footnote to this story worth noting. In that same 9-year period of time, Congress has voted itself a \$31,000 annual increase in salary. The Democratic caucus of the Senate has said that is the end of that story. There will be no increases in congressional pay until the minimum wage is increased. No excuses. Maybe that will focus the attention of our colleagues on a lot of people who are not as fortunate as those of us who serve here.

We have had no change in the ethics rules despite the scandals of the latest Congress, despite the resignation of the Republican leader in the House who is under indictment and investigation, despite the reports that other Members of Congress are going to plead guilty or are facing prosecution. Despite all of

this, there are no basic changes in the ethics rules that guide us here.

There is no effort to take a look at the way we finance political campaigns, which I think is at the root of this whole conversation. Unless and until we reach a point that we take the millions of dollars out of political campaigns and bring it back to a point where the average person can seriously consider running for office, until we do that, sadly, all of us who are mere mortals and not millionaires will be spending a lot of time with special interests and wealthy people that we should be spending with the folks we represent and those who don't have well-paid lobbyists roaming the halls of the Capitol.

There is no energy policy for America after the runup in gasoline prices that crippled family budgets, hurt businesses, and hurt farmers. Now the gas prices are starting to come down, and we can breathe a sigh of relief. Yet we know in the back of our minds that they can turn it on a dime and run the prices back up to over \$3 a gallon again. Why? We have no energy policy.

A President and Vice President from the oil patch have really avoided the obvious. We need to find a way to lessen our dependence upon oil, and particularly on imported oil. That means moving toward alternative energy sources. That means more fuel efficiency in our vehicles. For 3 of the last 4 years, I offered an increase in the CAFE standards so that the cars and trucks we drive in America are more fuel efficient, and I have lost every time, not only because of opposition from the other side but some within my own ranks. I think there is now a change, an awakening that we have to do something about this situation.

Of course, in this Congress, what have we done to increase the availability and affordability of health insurance and health care? Nothing. In fact, we have made it more difficult for the average family. We have decreased the benefits under Medicare and Medicaid, although we created the prescription Part D Program, which is, of course, a windfall for pharmaceutical companies. We didn't give the consumers of America the break they deserved. We have to find a way to make sure that Medicare Part D is affordable. To do that, Medicare should be able to bargain for lower drug prices.

My friend, Senator DORGAN from North Dakota, is in the Chamber. He has been working on this issue for a long time, the issue of drug importation from Canada and other places. I salute him for his success in bringing the issue forward. I share his frustration that we cannot seem to get the Republican leadership, which has promised time and again an opportunity for a vote, to actually have that vote and to change the law so that a lot of seniors and others across America can get affordable prescription drugs.

There is no effort here to make sure people who are vulnerable don't have

to worry about whether their health care or pensions will be there when it is time to retire. We just don't address that in this Congress. You see, sadly, these people cannot afford the lobbyists that other special interests can. Those articulate, well-paid, well-fed, well-dressed lobbyists who work right here in this building spend a lot of time in our faces. We need to talk to them because, frankly, they finance many of our campaigns. It is a sad reality that ought to change. It won't change until the leadership in Congress wakes up to the need for change, the need for a new direction on Capitol Hill.

Last Monday night, we had a commemoration of the fifth anniversary of 9/11. I guess about a hundred of us—Members of Congress—stood on the Capitol steps near the same place we stood 5 years ago as a Congress. There were some stirring remarks made, prayers said, and we closed with the singing of "God Bless America." As we sang "God Bless America," I thought for a moment that we needed to recapture the spirit of 5 years ago because we left that historic moment on the Capitol steps and Democrats and Republicans rolled up their sleeves in the House and Senate and said: What can we do to make America safe? In lightning fashion, we enacted a resolution which declared war on those who had attacked us.

I don't vote for war lightly, but I voted for that without hesitation, a war in Afghanistan, against al-Qaida, against the Taliban. It was the right thing to do. But today it is a war that we know has not been won. Five years later, it still has not been won. The ranks of al-Qaida on 9/11/2001 were estimated to be 20,000 worldwide. Today our intelligence sources say it is up to 50,000 and growing. The trend is in the wrong direction.

We wanted to turn the light out on al-Qaida when we voted for that resolution. We wanted to capture Osama bin Laden. We wanted to say to the world: You will pay if you attack the United States.

But today we are still fighting, and the commanders in Afghanistan tell us we are not doing as well as we should. We need more military forces. We need more of an effort.

Sadly, we may be losing that war, and we cannot afford to lose that war. Just a few months ago this administration announced it was disbanding the intelligence agency that was going to hunt down Osama bin Laden. Again, the Senators from North Dakota, Mr. CONRAD and Mr. DORGAN, came to the floor last week and offered an amendment that was adopted unanimously to refund that effort to go after Osama bin Laden.

I don't believe capturing him will end the war on terrorism. I don't think it will guarantee Americans are safe, but it certainly is something we should do as a Nation.

The PRESIDING OFFICER (Mr. ISAKSON). If the distinguished minority

whip will cease for a second, the previous Presiding Officer of the Senate did not announce what should have been announced, which is, under the previous order, there will be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each. The distinguished minority whip has spoken in excess of 10 minutes. I want to make him aware that is why I stopped him, unless he asks unanimous consent to continue.

Mr. DURBIN. Mr. President, I ask unanimous consent for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I know my colleague is waiting to speak, so I will hold myself to that 5 minutes.

When we came back after 9/11, we gathered together on a bipartisan basis. We passed the PATRIOT Act. We initiated this military effort against those who attacked us on 9/11. There was a true spirit of bipartisanship.

Sadly, things broke down. They broke down when we invaded Iraq, and they haven't gotten well since. The President's decision to move forward with the invasion of Iraq with Great Britain by our side, but really with the American troops in the forefront, with the American taxpayers paying the bill, has divided us as a Nation. A majority of Americans today question whether that was the right decision. I question whether that was the right decision. I was one of 23 who voted against going to war. I did not believe the intelligence supported it.

Events that have happened since—we have lost 2,671 of our best and bravest and finest American soldiers. They have given their lives in that war in Iraq; 19,000 or more have returned seriously injured. We have spent over \$320 billion. We spend anywhere from \$1.5 billion to \$3 billion a week on a war with no end in sight.

We went through this administration's effort to redefine torture to abandon the Geneva Conventions that we had stood by for decades. We saw the scandals of Abu Ghraib and Guantanamo.

Arthur Schlesinger, Jr., a noted historian, said the issue of torture has damaged the image of America in the world more than anything in our history. That is a sweeping statement from a man who has spent his life measuring history and its impact on the world. He believes torture under the Bush-Cheney administration has damaged our reputation more than anything in our history.

Thank goodness Senator JOHN MCCAIN stood up and rallied us on a bipartisan basis by a vote of 90 to 9 to say torture is not part of America's policy. Yet again we are debating this issue, as the Bush administration comes to us and says: When it comes to the treatment of detainees, we cannot stand by the Geneva Conventions. We have to redefine it. And they go further.

The Bush administration insists that if anyone in the administration has been guilty of wrongdoing—the use of torture, cruel, inhuman, degrading treatment—they should be absolved from any criminal liability. What does that say to the world about our standards and values in the United States?

I am glad GEN Colin Powell spoke out yesterday. He hit the nail on the head. If this is a moral position we are taking to opposing terror, we cannot support the President's proposal for the treatment of detainees. And I salute, again, the four Republicans who stood up yesterday in the Armed Services Committee and had the courage to speak up and say there is a better way. There is a better way to protect America and not lose our values.

I hope we listen to them when we bring this bipartisan measure to the Senate floor. The same thing happened in the Senate Judiciary Committee. We are adrift when it comes to this wiretapping issue. We reported out three different bills. The committee couldn't make up its mind.

On one of the bills, we said to the President: You are Commander in Chief. You have the power to do what you wish. Another bill that Senator FEINSTEIN has introduced, which I support and is bipartisan, says take the FISA law, the bill that governs wiretapping, gives the President the time he needs to do what is right, go after al-Qaida, wiretap his conversations, stop terror before it occurs, but do it in the framework of the law. The Feinstein bipartisan approach is a sensible approach. It is one that honors the tradition of the rule of law in America.

We have two bipartisan approaches now to the treatment of detainees, as reported by the Armed Services Committee and to wiretapping as reported from the Judiciary Committee with the Feinstein amendment. Let's return to that spirit of 9/11/2001. Let's return to that bipartisan spirit and get this done and get it done right. At least we will be able to point to that achievement as this Congress draws to a close.

I salute my Republican colleagues who stood up for principle and values that we all should share in America. I hope this administration over the weekend will reevaluate their position. I hope they will move forward with us in a bipartisan fashion to make America safe but do it the American way.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, are we in morning business?

The PRESIDING OFFICER. I advise the Senator, the Senate is in morning business, with speeches limited to 10 minutes.

#### INDIAN HEALTH CARE

Mr. DORGAN. Mr. President, I want to speak about a subject that is very important dealing with Indian health. I believe there will be an attempt to